

## Appendix 1

S. 29, a bill to establish the Sacramento-San Joaquin Delta National Heritage Area (Feinstein, 2011)

112TH CONGRESS  
1ST SESSION

# S. 29

To establish the Sacramento-San Joaquin Delta National Heritage Area.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 25 (legislative day, JANUARY 5), 2011

Mr. REID for Mrs. FEINSTEIN (for herself and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To establish the Sacramento-San Joaquin Delta National Heritage Area.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sacramento-San Joa-

5 quin Delta National Heritage Area Establishment Act”.

### 6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **HERITAGE AREA.**—The term “Heritage

9 Area” means the Sacramento-San Joaquin Delta

10 Heritage Area established by section 3(a).

1           (2) HERITAGE AREA MANAGEMENT PLAN.—The  
 2           term “Heritage Area management plan” means the  
 3           plan developed and adopted by the management en-  
 4           tity under this Act.

5           (3) MANAGEMENT ENTITY.—The term “man-  
 6           agement entity” means the management entity for  
 7           the Heritage Area designated by section 3(d).

8           (4) SECRETARY.—The term “Secretary” means  
 9           the Secretary of the Interior.

10          (5) STATE.—The term “State” means the State  
 11          of California.

12 **SEC. 3. SACRAMENTO-SAN JOAQUIN DELTA HERITAGE**  
 13 **AREA.**

14          (a) ESTABLISHMENT.—There is established the  
 15          “Sacramento-San Joaquin Delta Heritage Area” in the  
 16          State.

17          (b) BOUNDARIES.—The boundaries of the Heritage  
 18          Area shall be in the counties of Contra Costa, Sacramento,  
 19          San Joaquin, Solano, and Yolo in the State of California,  
 20          as generally depicted on the map entitled “Sacramento-  
 21          San Joaquin Delta National Heritage Area Proposed  
 22          Boundary”, numbered T27/105,030, and dated September  
 23          2010.

24          (c) AVAILABILITY OF MAP.—The map described in  
 25          subsection (b) shall be on file and available for public in-

1 spection in the appropriate offices of the National Park  
 2 Service and the Delta Protection Commission.

3 (d) MANAGEMENT ENTITY.—The management entity  
 4 for the Heritage Area shall be the Delta Protection Com-  
 5 mission established by section 29735 of the California  
 6 Public Resources Code.

7 (e) ADMINISTRATION.—

8 (1) AUTHORITIES.—For purposes of carrying  
 9 out the Heritage Area management plan, the Sec-  
 10 retary, acting through the management entity, may  
 11 use amounts made available under this Act to—

12 (A) make grants to the State or a political  
 13 subdivision of the State, nonprofit organiza-  
 14 tions, and other persons;

15 (B) enter into cooperative agreements  
 16 with, or provide technical assistance to, the  
 17 State or a political subdivision of the State,  
 18 nonprofit organizations, and other interested  
 19 parties;

20 (C) hire and compensate staff, which shall  
 21 include individuals with expertise in natural,  
 22 cultural, and historical resources protection,  
 23 and heritage programming;

1 (D) obtain money or services from any  
2 source including any that are provided under  
3 any other Federal law or program;

4 (E) contract for goods or services; and

5 (F) undertake to be a catalyst for any  
6 other activity that furthers the Heritage Area  
7 and is consistent with the approved Heritage  
8 Area management plan.

9 (2) DUTIES.—The management entity shall—

10 (A) in accordance with subsection (f), pre-  
11 pare and submit a Heritage Area management  
12 plan to the Secretary;

13 (B) assist units of local government, re-  
14 gional planning organizations, and nonprofit or-  
15 ganizations in carrying out the approved Herit-  
16 age Area management plan by—

17 (i) carrying out programs and projects  
18 that recognize, protect, and enhance im-  
19 portant resource values in the Heritage  
20 Area;

21 (ii) establishing and maintaining in-  
22 terpretive exhibits and programs in the  
23 Heritage Area;

1 (iii) developing recreational and edu-  
2 cational opportunities in the Heritage  
3 Area;

4 (iv) increasing public awareness of,  
5 and appreciation for, natural, historical,  
6 scenic, and cultural resources of the Herit-  
7 age Area;

8 (v) protecting and restoring historic  
9 sites and buildings in the Heritage Area  
10 that are consistent with Heritage Area  
11 themes;

12 (vi) ensuring that clear, consistent,  
13 and appropriate signs identifying points of  
14 public access, and sites of interest are  
15 posted throughout the Heritage Area; and

16 (vii) promoting a wide range of part-  
17 nerships among governments, organiza-  
18 tions, and individuals to further the Herit-  
19 age Area;

20 (C) consider the interests of diverse units  
21 of government, businesses, organizations, and  
22 individuals in the Heritage Area in the prepara-  
23 tion and implementation of the Heritage Area  
24 management plan;

1 (D) conduct meetings open to the public at  
2 least semiannually regarding the development  
3 and implementation of the Heritage Area man-  
4 agement plan;

5 (E) for any year that Federal funds have  
6 been received under this Act—

7 (i) submit an annual report to the  
8 Secretary that describes the activities, ex-  
9 penses, and income of the management en-  
10 tity (including grants to any other entities  
11 during the year that the report is made);

12 (ii) make available to the Secretary  
13 for audit all records relating to the expend-  
14 iture of the funds and any matching funds;

15 (iii) require, with respect to all agree-  
16 ments authorizing expenditure of Federal  
17 funds by other organizations, that the or-  
18 ganizations receiving the funds make avail-  
19 able to the Secretary for audit all records  
20 concerning the expenditure of the funds;  
21 and

22 (F) encourage by appropriate means eco-  
23 nomic viability that is consistent with the Herit-  
24 age Area.

1           (3) PROHIBITION ON THE ACQUISITION OF  
2       REAL PROPERTY.—The management entity shall not  
3       use Federal funds made available under this Act to  
4       acquire real property or any interest in real prop-  
5       erty.

6           (4) COST-SHARING REQUIREMENT.—The Fed-  
7       eral share of the cost of any activity carried out  
8       using any assistance made available under this Act  
9       shall be 50 percent.

10       (f) HERITAGE AREA MANAGEMENT PLAN.—

11           (1) IN GENERAL.—Not later than 3 years after  
12       the date of enactment of this Act, the management  
13       entity shall submit to the Secretary for approval a  
14       proposed Heritage Area management plan.

15           (2) REQUIREMENTS.—The Heritage Area man-  
16       agement plan shall—

17                (A) incorporate an integrated and coopera-  
18       tive approach to agricultural resources and ac-  
19       tivities, flood protection facilities, and other  
20       public infrastructure;

21                (B) emphasizes the importance of the re-  
22       sources described in subparagraph (A);

23                (C) take into consideration State and local  
24       plans;

25                (D) include—



1 (i) an inventory of—

2 (I) the resources located in the  
3 core area described in subsection (b);  
4 and

5 (II) any other property in the  
6 core area that—

7 (aa) is related to the themes  
8 of the Heritage Area; and

9 (bb) should be preserved, re-  
10 stored, managed, or maintained  
11 because of the significance of the  
12 property;

13 (ii) comprehensive policies, strategies  
14 and recommendations for conservation,  
15 funding, management, and development of  
16 the Heritage Area;

17 (iii) a description of actions that gov-  
18 ernments, private organizations, and indi-  
19 viduals have agreed to take to protect the  
20 natural, historical and cultural resources of  
21 the Heritage Area;

22 (iv) a program of implementation for  
23 the Heritage Area management plan by  
24 the management entity that includes a de-  
25 scription of—

1 (I) actions to facilitate ongoing  
 2 collaboration among partners to pro-  
 3 mote plans for resource protection,  
 4 restoration, and construction; and

5 (II) specific commitments for im-  
 6 plementation that have been made by  
 7 the management entity or any govern-  
 8 ment, organization, or individual for  
 9 the first 5 years of operation;

10 (v) the identification of sources of  
 11 funding for carrying out the Heritage Area  
 12 management plan;

13 (vi) analysis and recommendations for  
 14 means by which local, State, and Federal  
 15 programs, including the role of the Na-  
 16 tional Park Service in the Heritage Area,  
 17 may best be coordinated to carry out this  
 18 Act; and

19 (vii) an interpretive plan for the Her-  
 20 itage Area; and

21 (E) recommend policies and strategies for  
 22 resource management that consider and detail  
 23 the application of appropriate land and water  
 24 management techniques, including the develop-  
 25 ment of intergovernmental and interagency co-

1           operative agreements to protect the natural,  
2           historical, cultural, educational, scenic, and rec-  
3           reational resources of the Heritage Area.

4           (3) RESTRICTIONS.—The Heritage Area man-  
5           agement plan submitted under this subsection  
6           shall—

7                   (A) ensure participation by appropriate  
8           Federal, State, tribal, and local agencies, in-  
9           cluding the Delta Stewardship Council, special  
10          districts, natural and historical resource protec-  
11          tion and agricultural organizations, educational  
12          institutions, businesses, recreational organiza-  
13          tions, community residents, and private prop-  
14          erty owners; and

15                  (B) not be approved until the Secretary  
16          has received certification from the Delta Protec-  
17          tion Commission that the Delta Stewardship  
18          Council has reviewed the Heritage Area man-  
19          agement plan for consistency with the plan  
20          adopted by the Delta Stewardship Council pur-  
21          suant to State law.

22           (4) DEADLINE.—If a proposed Heritage Area  
23          management plan is not submitted to the Secretary  
24          by the date that is 3 years after the date of enact-  
25          ment of this Act, the management entity shall be in-

1 eligible to receive additional funding under this Act  
 2 until the date that the Secretary receives and ap-  
 3 proves the Heritage Area management plan.

4 (5) APPROVAL OR DISAPPROVAL OF HERITAGE  
 5 AREA MANAGEMENT PLAN.—

6 (A) IN GENERAL.—Not later than 180  
 7 days after the date of receipt of the Heritage  
 8 Area management plan under paragraph (1),  
 9 the Secretary, in consultation with the State,  
 10 shall approve or disapprove the Heritage Area  
 11 management plan.

12 (B) CRITERIA FOR APPROVAL.—In deter-  
 13 mining whether to approve the Heritage Area  
 14 management plan, the Secretary shall consider  
 15 whether—

16 (i) the management entity is rep-  
 17 resentative of the diverse interests of the  
 18 Heritage Area, including governments, nat-  
 19 ural and historic resource protection orga-  
 20 nizations, educational institutions, busi-  
 21 nesses, and recreational organizations;

22 (ii) the management entity has af-  
 23 forded adequate opportunity, including  
 24 public hearings, for public and govern-

1           mental involvement in the preparation of  
2           the Heritage Area management plan; and

3           (iii) the resource protection and inter-  
4           pretation strategies contained in the Herit-  
5           age Area management plan, if imple-  
6           mented, would adequately protect the nat-  
7           ural, historical, and cultural resources of  
8           the Heritage Area.

9           (C) ACTION FOLLOWING DISAPPROVAL.—If  
10          the Secretary disapproves the Heritage Area  
11          management plan under subparagraph (A), the  
12          Secretary shall—

13               (i) advise the management entity in  
14               writing of the reasons for the disapproval;

15               (ii) make recommendations for revi-  
16               sions to the Heritage Area management  
17               plan; and

18               (iii) not later than 180 days after the  
19               receipt of any proposed revision of the  
20               Heritage Area management plan from the  
21               management entity, approve or disapprove  
22               the proposed revision.

23          (D) AMENDMENTS.—

24               (i) IN GENERAL.—The Secretary shall  
25               approve or disapprove each amendment to

1 the Heritage Area management plan that  
 2 the Secretary determines make a substan-  
 3 tial change to the Heritage Area manage-  
 4 ment plan.

5 (ii) USE OF FUNDS.—The manage-  
 6 ment entity shall not use Federal funds  
 7 authorized by this Act to carry out any  
 8 amendments to the Heritage Area manage-  
 9 ment plan until the Secretary has approved  
 10 the amendments.

11 (g) RELATIONSHIP TO OTHER FEDERAL AGEN-  
 12 CIES.—

13 (1) IN GENERAL.—Nothing in this Act affects  
 14 the authority of a Federal agency to provide tech-  
 15 nical or financial assistance under any other law.

16 (2) CONSULTATION AND COORDINATION.—The  
 17 head of any Federal agency planning to conduct ac-  
 18 tivities that may have an impact on the Heritage  
 19 Area is encouraged to consult and coordinate the ac-  
 20 tivities with the Secretary and the management enti-  
 21 ty to the maximum extent practicable.

22 (3) OTHER FEDERAL AGENCIES.—Nothing in  
 23 this Act—

24 (A) modifies, alters, or amends any law or  
 25 regulation authorizing a Federal agency to

1 manage Federal land under the jurisdiction of  
2 the Federal agency;

3 (B) limits the discretion of a Federal land  
4 manager to implement an approved land use  
5 plan within the boundaries of the Heritage  
6 Area; or

7 (C) modifies, alters, or amends any author-  
8 ized use of Federal land under the jurisdiction  
9 of a Federal agency.

10 (h) PRIVATE PROPERTY AND REGULATORY PROTEC-  
11 TIONS.—

12 (1) IN GENERAL.—Subject to paragraph (2),  
13 nothing in this Act—

14 (A) abridges the rights of any property  
15 owner (whether public or private), including the  
16 right to refrain from participating in any plan,  
17 project, program, or activity conducted within  
18 the Heritage Area;

19 (B) requires any property owner to permit  
20 public access (including access by Federal,  
21 State, or local agencies) to the property of the  
22 property owner, or to modify public access or  
23 use of property of the property owner under  
24 any other Federal, State, or local law;

1 (C) alters any duly adopted land use regu-  
 2 lation, approved land use plan, or other regu-  
 3 latory authority of any Federal, State or local  
 4 agency, or conveys any land use or other regu-  
 5 latory authority to the management entity;

6 (D) authorizes or implies the reservation  
 7 or appropriation of water or water rights;

8 (E) diminishes the authority of the State  
 9 to manage fish and wildlife, including the regu-  
 10 lation of fishing and hunting within the Herit-  
 11 age Area; or

12 (F) creates any liability, or affects any li-  
 13 ability under any other law, of any private  
 14 property owner with respect to any person in-  
 15 jured on the private property.

16 (2) OPT OUT.—An owner of private property  
 17 within the Heritage Area may opt out of partici-  
 18 pating in any plan, project, program, or activity car-  
 19 ried out within the Heritage Area under this Act, if  
 20 the property owner provides written notice to the  
 21 management entity.

22 (i) EVALUATION; REPORT.—

23 (1) IN GENERAL.—Not later than 3 years be-  
 24 fore the date on which authority for Federal funding



1 terminates for the Heritage Area, the Secretary  
2 shall—

3 (A) conduct an evaluation of the accom-  
4 plishments of the Heritage Area; and

5 (B) prepare a report in accordance with  
6 paragraph (3).

7 (2) EVALUATION.—An evaluation conducted  
8 under paragraph (1)(A) shall—

9 (A) assess the progress of the management  
10 entity with respect to—

11 (i) accomplishing the purposes of this  
12 Act for the Heritage Area; and

13 (ii) achieving the goals and objectives  
14 of the approved Heritage Area manage-  
15 ment plan;

16 (B) analyze the Federal, State, local, and  
17 private investments in the Heritage Area to de-  
18 termine the leverage and impact of the invest-  
19 ments; and

20 (C) review the management structure,  
21 partnership relationships, and funding of the  
22 Heritage Area for purposes of identifying the  
23 critical components for sustainability of the  
24 Heritage Area.

25 (3) REPORT.—

1 (A) IN GENERAL.—Based on the evalua-  
 2 tion conducted under paragraph (1)(A), the  
 3 Secretary shall prepare a report that includes  
 4 recommendations for the future role of the Na-  
 5 tional Park Service, if any, with respect to the  
 6 Heritage Area.

7 (B) REQUIRED ANALYSIS.—If the report  
 8 prepared under subparagraph (A) recommends  
 9 that Federal funding for the Heritage Area be  
 10 reauthorized, the report shall include an anal-  
 11 ysis of—

12 (i) ways in which Federal funding for  
 13 the Heritage Area may be reduced or  
 14 eliminated; and

15 (ii) the appropriate time period nec-  
 16 essary to achieve the recommended reduc-  
 17 tion or elimination.

18 (C) SUBMISSION TO CONGRESS.—On com-  
 19 pletion of the report, the Secretary shall submit  
 20 the report to—

21 (i) the Committee on Energy and  
 22 Natural Resources of the Senate; and

23 (ii) the Committee on Natural Re-  
 24 sources of the House of Representatives.

1 (j) EFFECT OF DESIGNATION.—Nothing in this  
2 Act—

3 (1) precludes the management entity from  
4 using Federal funds made available under other laws  
5 for the purposes for which those funds were author-  
6 ized; or

7 (2) affects any water rights or contracts.

8 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) IN GENERAL.—There is authorized to be appro-  
10 priated to carry out this Act \$10,000,000, of which not  
11 more than \$1,000,000 may be made available for any fis-  
12 cal year.

13 (b) COST-SHARING REQUIREMENT.—The Federal  
14 share of the total cost of any activity under this Act shall  
15 be determined by the Secretary, but shall be not more than  
16 50 percent.

17 (c) NON-FEDERAL SHARE.—The non-Federal share  
18 of the total cost of any activity under this Act may be  
19 in the form of in-kind contributions of goods or services.

20 **SEC. 5. TERMINATION OF AUTHORITY.**

21 (a) IN GENERAL.—If a proposed Heritage Area man-  
22 agement plan has not been submitted to the Secretary by  
23 the date that is 5 years after the date of enactment of  
24 this Act, the Heritage Area designation shall be rescinded.

1       (b) FUNDING AUTHORITY.—The authority of the  
2 Secretary to provide assistance under this Act terminates  
3 on the date that is 15 years after the date of enactment  
4 of this Act.

